
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

DENNIS R. FRANKE,

Plaintiff,

vs.

ARUP LABORATORIES, et al.,

Defendants.

ORDER

Case No. 2:07CV73DAK

This matter is before the court on Plaintiff's request for removal of United States Chief Magistrate Judge Samuel Alba. Plaintiff seeks removal of Chief Magistrate Judge Alba from involvement in this case in any way. Plaintiff's grounds for his request is that action on this case is not being taken promptly.

The court has reviewed Plaintiff's request and the court's docket in this case. The court notes that Chief Magistrate Judge Alba promptly ruled on Plaintiff's motions for appointment of counsel. Plaintiff's motion for legal ruling, filed on April 30, 2007, has not been ruled on as of the date of this order. Nonetheless, the court does not view this delay as undue or prejudicial to Plaintiff's case. Accordingly, the court concludes that there is no basis for removing Chief

Magistrate Judge Alba from this case. Plaintiff's request for removal, therefore, is DENIED.

DATED this 31st day of August, 2007.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL
United States District Judge